

SENATE BILL REPORT

SB 5420

As of February 1, 2019

Title: An act relating to the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements.

Brief Description: Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements.

Sponsors: Senators King, Takko, Becker, Sheldon, Hawkins, Pedersen and Kuderer.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/31/19.

Brief Summary of Bill

- Allows counties with a population of less than 100,000 to retain 25 percent of infraction revenue from Discover Pass violations.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Karen Epps (786-7424)

Background: The Discover Pass is an annual pass that allows a vehicle to access state recreation lands owned by the State Parks and Recreation Commission (State Parks), the Department of Fish and Wildlife (DFW), or the Department of Natural Resources (DNR). The cost of a Discover Pass is \$30. The cost of a day-use permit, which serves the same function as the annual pass but is only valid for one calendar day, is \$10. Revenue from both passes is initially deposited in the Recreation Access Pass Account, and is then distributed to the three agencies as follows: 84 percent to State Parks, 8 percent to DFW, and 8 percent to DNR.

Discover Pass Infraction Revenue. Failure to comply with the Discover Pass requirement is a natural resource infraction with a statutory fine of \$99. This penalty must be reduced to \$59 dollars if an individual provides proof of purchase of a Discover Pass to the court within 15 days after the issuance of the notice of violation. Counties must transfer revenue received from this penalty to the state treasurer for deposit into the Recreation Access Pass Account.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Infraction Revenue in General. Thirty-two percent of fines assessed or collected through a district court are provided to the state for deposit in the state general fund, while the remainder is retained by the county. All fines assessed and collected for county parking infractions are retained by the county.

Summary of Bill: For counties with a population of less than 100,000 on the date the bill takes effect, infraction revenue for Discover Pass violations is split between the state and county as follows:

- 75 percent goes to the Recreation Access Pass Account to fund recreational land management by State Parks, DNR, and DFW; and
- 25 percent is retained by the county to support court-related functions.

For other counties, all revenue from Discover Pass violations goes to the Recreation Access Pass Account as under current law.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a relatively simple bill that addresses an unfunded mandate for small counties with populations of less than 100,000. Counties cannot keep any of the revenue to cover the cost of adjudication and appeal of discover pass infractions and this significantly impacts counties. In Skamania County, their judicial clerk in the summertime 80 percent of her time taking care of Discover Pass violations. There is no reimbursement to help this small county cover those expenses. Pass compliance is an important part of any recreational pass system and county courts are partners in helping recreation agencies manage compliance with the law. This bill returns some revenue back to counties.

Persons Testifying: PRO: Senator Curtis King, Prime Sponsor; Juliana Roe, Washington State Association of Counties; Owen Rowe, Governmental Affairs Director, Washington State Parks; Melanie Stewart, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying: No one.